

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

HARVEY G. VALNES,

Plaintiff,

V.

JO ANNE B. BARNHART, Commissioner of  
Social Security,

Defendant.

CASE NO. C04-1589C

## ORDER

Having reviewed the entire record, including the administrative record, the memoranda of the parties, and the Report and Recommendation of United States Magistrate Judge Mary Alice Theiler, the Court hereby ORDERS that:

- (1) The Court adopt the Report and Recommendation;<sup>1</sup>
- (2) The Court affirm the decisions of the Commissioner of Social Security; and
- (3) The Clerk shall direct copies of this Order to all counsel and to Judge Theiler.

SO ORDERED this 11th day of July, 2005.

Joh C Coyne

UNITED STATES DISTRICT JUDGE

<sup>1</sup> Plaintiff's argument that a de facto reopening occurred is incorrect. A de facto reopening must still take place within the four-year time frame provided by 20 C.F.R. § 404.988. *McGowen v. Harris*, 666 F.2d 60, 65 (4th Cir. 1981); *Robinson v. Heckler*, 783 F.2d 1144, 1146 (4th Cir. 1986).